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**PATENT**  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

On April 14, 2006

MORGAN, LEWIS and BOCKIUS LLP

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

He, Yun *et al.*

Application No.: 10/690,802

Filed: October 21, 2003

For: OXINDOLES WITH ANTI-HIV  
ACTIVITY

Customer No.: 47930

Confirmation Number: 9439

Examiner: Saeed, Kamal

Technology Center/Art Unit: 1626

**RESPONSE TO RESTRICTION  
REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement dated March 24, 2006, please enter the following amendments and remarks.

**Amendments to the Claims** are reflected in the listing of claims which begins on page **2** of this paper.

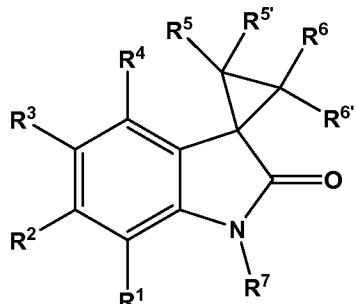
**Remarks/Arguments** begin on page **7** of this paper.

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings of claims in the application.

**Listing of Claims:**

- 1           1. (Previously presented) A compound having the formula:



2           wherein

3           4       R<sup>1</sup>, R<sup>2</sup>, R<sup>3</sup> and R<sup>4</sup> are members independently selected from H, substituted or  
5           5       unsubstituted alkyl, substituted or unsubstituted heteroalkyl, substituted or  
6           6       unsubstituted aryl, substituted or unsubstituted heteroaryl, OR<sup>8</sup>, NO<sub>2</sub>, CN  
7           7       and halogen

8           wherein

9           9       R<sup>8</sup> is a member selected from H and substituted or unsubstituted alkyl;  
10          10      R<sup>5</sup> and R<sup>5'</sup> are members independently selected from H, substituted or  
11          11      unsubstituted alkyl, substituted or unsubstituted cycloalkyl, substituted or  
12          12      unsubstituted heteroalkyl, substituted or unsubstituted aryl, substituted or  
13          13      unsubstituted heteroaryl, CN, SR<sup>9</sup> and C(O)R<sup>9</sup>

14          wherein

15          15      R<sup>9</sup> is a member selected from H, substituted or unsubstituted alkyl,  
16          16      substituted or unsubstituted heteroalkyl, substituted or  
17          17      unsubstituted aryl, NR<sup>10</sup>R<sup>11</sup> and OR<sup>11</sup>

18          wherein

19          19      R<sup>10</sup> is a member selected from H, substituted or unsubstituted alkyl  
20          20      and OR<sup>12</sup>

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21 wherein

22 R<sup>12</sup> is a member selected from H, substituted or  
23 unsubstituted alkyl and substituted or unsubstituted  
24 heteroalkyl;

25 R<sup>11</sup> is a member selected from H, C(O)R<sup>13</sup>, substituted or  
26 unsubstituted alkyl, substituted or unsubstituted  
27 heteroalkyl, substituted or unsubstituted aryl and  
28 substituted or unsubstituted heterocycloalkyl, and wherein  
29 R<sup>10</sup> and R<sup>11</sup>, together with the nitrogen to which they are  
30 bound, are optionally joined to form a substituted or  
31 unsubstituted heterocycloalkyl ring system having from 3  
32 to 7 members

33 wherein

34 R<sup>13</sup> is a member selected from H, substituted or  
35 unsubstituted alkyl, substituted or unsubstituted  
36 heteroalkyl and NR<sup>14</sup>R<sup>15</sup>

38 R<sup>14</sup> and R<sup>15</sup> are members independently selected  
39 from H, substituted or unsubstituted alkyl  
40 and substituted or unsubstituted heteroalkyl;

41                   R<sup>6</sup> and R<sup>6'</sup> are members independently selected from H, substituted or  
42                   unsubstituted alkyl and C(O)R<sup>16</sup>;

44 R<sup>16</sup> is a member selected from substituted or unsubstituted alkyl,  
45 substituted or unsubstituted heteroalkyl, NR<sup>17</sup>R<sup>18</sup> and OR<sup>17</sup>

46 wherein

47 R<sup>17</sup> and R<sup>18</sup> are members independently selected from H,  
48 substituted or unsubstituted alkyl, substituted or

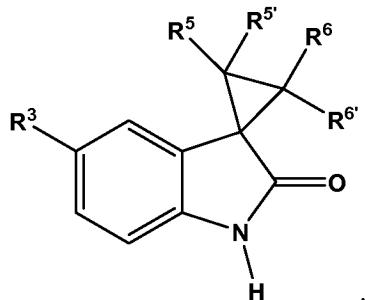
R<sup>7</sup> is a member selected from H, substituted or unsubstituted alkyl and substituted or unsubstituted heteroalkyl.

1                   **2.** (Previously presented) The compound according to claim **1**, wherein at  
2 least one of R<sup>5</sup> and R<sup>5'</sup> is a member selected from substituted or unsubstituted phenyl, substituted  
3 or unsubstituted pyridyl, substituted or unsubstituted furanyl, substituted or unsubstituted  
4 benzofuranyl, substituted or unsubstituted quinolinyl, and substituted or unsubstituted thiaryl.

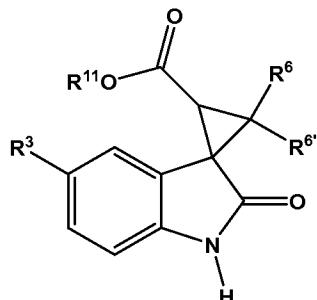
3. (Previously presented) The compound according to claim 1, wherein at least one of R<sup>10</sup> and R<sup>11</sup> is substituted or unsubstituted C<sub>1</sub>-C<sub>6</sub> alkyl.

**4.** (Previously presented) The compound according to claim 1, wherein at least one of R<sup>6</sup> and R<sup>6'</sup> is a member selected from substituted or unsubstituted C<sub>1</sub>-C<sub>6</sub> alkyl.

1                           **5.** (Previously presented) The compound according to claim 1, having the  
2 formula:

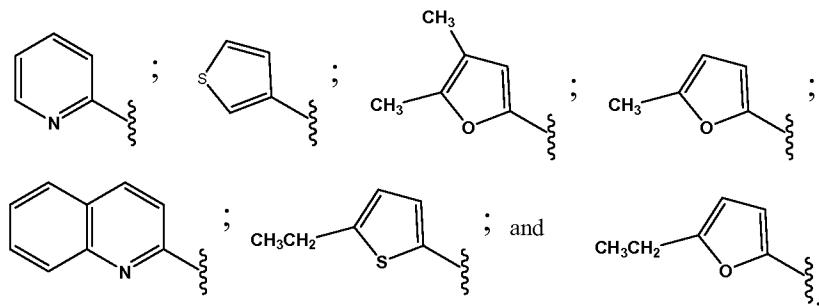


1               **6.** (Previously presented) The compound according to claim **5**, having the  
2 formula:



1               **7.** (Previously presented) The compound according to claim **6**, wherein R<sup>11</sup>  
2 is substituted or unsubstituted C<sub>1</sub>-C<sub>4</sub> alkyl.

1               **8.** (Previously presented) The compound according to claim **5**, wherein at  
2 least one of R<sup>5</sup> and R<sup>5'</sup> is a member selected from substituted and unsubstituted:



1               **9.** (Previously presented) The compound according to claim **5**, wherein R<sup>6</sup>  
2 and R<sup>6'</sup> are independently selected from substituted or unsubstituted methyl and substituted or  
3 unsubstituted ethyl.

1               **10.** (Previously presented) A pharmaceutical formulation comprising a  
2 compound according to claim **1** and a pharmaceutically acceptable carrier.

1               **11.** (Previously presented) A method of inhibiting HIV in a cell, said method  
2 comprising contacting said cell with an amount of a compound according to claim **1** sufficient to  
3 inhibit said HIV.

1               **12.** (Previously presented) A method of inhibiting reverse transcriptase in a  
2 cell, said method comprising contacting said cell with an amount of a compound according to  
3 claim **1** sufficient to inhibit said reverse transcriptase.

1               **13.** (Previously presented) The method according to claim **11**, wherein said  
2 cell is in a human.

1               **14.** (Previously presented) The method according to claim **12**, wherein said  
2 cell is in a human.

1               **15.** (Previously presented) A method of treating HIV infection in a human  
2 subject comprising administering to said subject an amount of a compound according to claim **1**,  
3 sufficient to treat said HIV infection.

1               **16.** (Previously presented) A method of providing prophylaxis against HIV  
2 infection comprising administering a prophylactic amount of a compound according to claim **1** to  
3 a person who is at risk of HIV infection.

1               **17.** (Previously presented) The method according to claim **15**, wherein said  
2 HIV is a drug resistant mutant.